

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATTY M. FIRTH,

Plaintiff,

v.

ZONE FUNDING, et al.,

Defendants.

CASE NO. C15-5738 BHS

ORDER DENYING PLAINTIFF'S
MOTION TO AMEND AND
DISMISSING COMPLAINT

This matter comes before the Court on Plaintiff Patty Firth's ("Firth") motion to amend complaint (Dkt. 19).

On December 17, 2015, the Court granted Defendants' motion to dismiss and granted Firth leave to amend her complaint. Dkt. 16. On December 31, 2015, Firth filed a motion to amend. Dkt. 19. Firth raises two arguments that courts have repeatedly concluded fail to state a claim. First, Firth argues Mortgage Electronic Registration Systems' ("MERS") involvement in the initiation of her loan constitutes a violation of the Washington Deed of Trust Act and Washington Consumer Protection Act. While it is true that MERS's involvement violates some elements of these acts, Firth must also

1 allege harm as a result of this involvement. Firth has failed to allege resulting harm in
2 any of her numerous complaints in federal or state court. Therefore, the Court denies
3 leave to amend this claim because it is futile.

4 Second, Firth raises the “show me the note” argument. Courts have routinely held
5 that this “show me the note” argument lacks merit. *Wallis v. IndyMac Federal Bank, et*
6 *al.*, 717 F. Supp. 2d 1195, 2000 (W.D. Wash. 2010) (citing cases). Therefore, the Court
7 denies leave to amend this claim because it is futile and **DENIES** Firth’s motion. Firth’s
8 complaint and claims are **DISMISSED with prejudice**, and the Clerk shall close this
9 case.

10 Dated this 4th day of February, 2016.

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13 BENJAMIN H. SETTLE
14 United States District Judge
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